

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADALBERTO MARTINEZ-RAMIREZ,

Defendant.

8:16CR196

ORDER

On October 16, 2018, pro se defendant Adalberto Martinez-Ramirez (“Martinez-Ramirez”) filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Filing No. 227). On January 25, 2019, the Court set the matter for a hearing to be held on March 29, 2019, at 11:00 a.m., and arranged for the assistance of a qualified interpreter.

This matter is now before the Court on what Martinez-Ramirez calls “his suite of motions” regarding that hearing. More specifically, Martinez-Ramirez has filed the following motions, which contain several overlapping requests for relief:

- (1) Motion to Alter and Amend (Filing No. 241) the Court’s Order dated January 25, 2019;
- (2) Motion for the Provision of the Services of a Certified Court Interpreter (Filing No. 243);
- (3) Motion for Leave to Conduct and Compel Discovery (Filing No. 244); and
- (4) Motion for the Appointment of Counsel and Motion to Proceed In Forma Pauperis (Filing No. 245).

Martinez-Ramirez has also provided information indicating he is financially eligible for the appointment of counsel. *See Green v. United States*, 262 F.3d 715, 718 (8th Cir. 2001).

After careful review, the Court finds Martinez-Ramirez’s requests to appoint counsel for the evidentiary hearing and to provide a certified court interpreter should be granted. *See* Rule 8(c), Rules Governing Section 2255 Proceedings (explaining that where, as here, “an

evidentiary hearing is warranted,” the Court “must appoint an attorney to represent a petitioner who qualifies to have counsel appointed under 18 U.S.C. § 3006A”). Martinez-Ramirez’s remaining requests are denied without prejudice to possible reassertion by his appointed counsel.

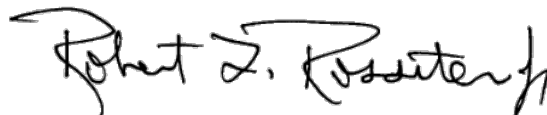
In light of the foregoing,

IT IS ORDERED:

1. Defendant Adalberto Martinez-Ramirez’s Motion to Alter and Amend (Filing No. 241) is denied.
2. Martinez-Ramirez’s Motion for the Provision of the Services of a Certified Court Interpreter (Filing No. 243) is granted.
3. Martinez-Ramirez’s Motion for Leave to Conduct and Compel Discovery (Filing No. 244) is denied.
4. Martinez-Ramirez’s Motion for the Appointment of Counsel and Motion to Proceed In Forma Pauperis (Filing No. 245) is granted with respect to the appointment of counsel and denied in all other respects.
5. The Federal Public Defender for the District of Nebraska is appointed to represent Martinez-Ramirez at the evidentiary hearing. If the Federal Public Defender accepts this appointment, the Federal Public Defender shall promptly file an appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or based on the Criminal Justice Act Plan, the Federal Public Defender shall promptly provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.
6. The Clerk of Court shall provide a copy of this order to the Federal Public Defender for the District of Nebraska.

Dated this 13th day of February 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", written in a cursive style.

Robert F. Rossiter, Jr.
United States District Judge